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In re Application of :  
HASEGAWA, Toshiaki *et al* :  
Application No.: 10/049,695 :  
PCT No.: PCT/JP00/05464 :  
Int. Filing Date: 16 August 2000 :  
Priority Date: 16 August 1999 :  
Attorney Docket No.: 3147/6 :  
For: DEVICE AND METHOD FOR FEEDING :  
FUEL :

## DECISION

This decision is in response to the declaration filed on 11 April 2002 which is treated as a submission under 37 CFR 1.42.

### BACKGROUND

On 15 February 2001, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, the basic national fee.

On 11 April 2002, applicants filed a declaration signed by two of the three co-inventors and Kiyoko Hoshino for deceased co-inventor, Toshihumi Hoshino.

### DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Applicants have furnished a declaration signed by Kiyoko Hoshino as the "heiress" of Toshihumi Hoshino who is deceased. In the declaration, applicants have provided the name, citizenship, residence, and last mailing address of either the

deceased inventor or Kiyoko Hishino. Applicants must provide this information for both the deceased inventor and the legal representative. See 37 CFR 1.497.

**CONCLUSION**

For the reason discussed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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